IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION NO : 472 of 2005**

Between:

1 Smt. C. Ramya, W/o. C. Srinivas, r/o. 1-1-6, Hydernagar, Ward No. 1 Kukatpally Municipality, Balanagar Mandal, Ranga Reddy District.
2 Sri C. Srinivas, S/o. C. Laxmaiah, r/o. 1-1-6, Hydernagar, Ward No. 1 Kukatpally Municipality, Balanagar Mandal, Ranga Reddy District.

**..... PETITIONERS**

AND

1 The Collector, Civil Supplies, Ranga Reddy District.
2 The Special Grade Deputy Collector & Revenue Divisional Officer, Chevella Division, R.R. District.
3 Smt. K. Sunitha, W/o. K. Madhu, R/o. 4-34-142, Venkateswarnagar, Jagadgirigutta, Ward No. 6, Ranga Reddy District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction in the nature of writ of mandamus, declaring the action of the 2nd respondent in allotting the F.P. Shop dealership to the 3rd respondent is illegal, arbitrary unconstitutional and consequently direct the 2nd respondent to allot the F.P.Shop dealership to the petitioners in pursuance of the notification No. E/2144/2004 (General) dated 26-11-2004 for the F.P.Shop Yellamabanda, Kukatpally Municipality, Ranga Reddy District and set aside the allotment in favour of 3rd respondent in the interest of justice.

**Counsel for the Petitioner: MR.T.VENUGOPAL RAO**

**Counsel for Respondents 1 and 2: GP FOR CIVIL SUPPLIES**

**Counsel for Respondent No.3: None appeared**

**The Court at the stage of admission made the following ORDER:**

In response to a notification, dated 26.11.2004, issued by the second respondent, for appointment of a fair price shop dealer for Yellammaband, Hydernagar village, the petitioners submitted their applications. Both of them claimed to be eligible and qualified to be considered for appointment as dealers. Their grievance is that the third respondent, who does not hold the requisite qualifications nor is a resident of the area, has been selected as dealer. They challenge her appointment. The petitioners urge that they have not been furnished the copy of the order of appointment.

Heard learned counsel for the petitioners and learned Government Pleader for Civil Supplies.

In effect, the petitioners challenge the selection and appointment of the third respondent as the fair price shop dealer. The matter needs examination of records and relative assessment of the qualifications of the petitioners on the one hand and the third respondent on the other. Clause 20 of the A.P. State Public Distribution System Control Order, 2001 (for short 'the Control Order') provides for an appeal to the Joint Collector against the orders of appointment. The appellate authority would be in a better position to examine the records and pass appropriate orders. It would be too early for this Court to undertake any

examination of the record.

Hence, the writ petition is disposed of leaving it open to the petitioners to approach the appellate authority under Clause 20 of the Control Order. There shall be no order as to costs.

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20.01.2005

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To

1 The Collector, Civil Supplies, Ranga Reddy District.
2 The Special Grade Deputy Collector & Revenue Divisional Officer, Chevella Division, R.R. District.
3 Two C.Cs. to the Government Pleader for Civil Supplies, High Court of A.P., Hyderabad, (OUT).

4 Two C.D. Copies.